

unless you intentionally disregard the safety of persons or property. That means you almost knowingly have to know you're doing some damage to somebody or to some property before you're going to be responsible for your actions under the civil law. That's not a standard that's applicable in any situation that I know of that is at all similar to this situation. Senator Wickersham, let me ask you a couple of questions just to explore the parameters of what we're saying here. These trails, they may be owned by private entities; they may also be owned by the public. In the case of the MoPac Trail, for example, would be owned by the NRD. But let's say a county road goes by my property and let's say it's a dirt road and your sprinkler makes it very muddy and my car turns the corner and slides and flips and a couple of people are killed. Now, does the landowner in that situation have the duty of due care, and is he responsible if he's negligent if his sprinkler on his private land sprinkled the county road?

SENATOR WICKERSHAM: You know, you're raising an interesting situation and I wish I knew the precise answer and I'm really not trying to be evasive, but I think we have a statute that deals specifically with that, and I don't recall exactly what the provisions of the statute are. We had a hearing on a bill that would have affected that that came before the Judiciary Committee and I really am not trying to be evasive. I believe we have a statute that deals with that and I don't recall its precise provisions.

SENATOR BEUTLER: I believe the answer is that you are responsible.

SENATOR WICKERSHAM: Well...

SENATOR BEUTLER: What if your field is next to some suburban lots, some house lots, and you do something on those house lots that's damaging? Are you negligent in those situations?

SENATOR WICKERSHAM: The standard of negligence may be appropriate where you have a known factor, for example you're using a house. You know the house is there. The same thing would be true if it was still being used for a railroad track. You know, for example, when a train is there.

SENATOR BEUTLER: Well, first of all, these are not necessarily railroad tracks. This amendment isn't drafted to specifically